

Exhibit 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
Defendant

v.

APPLE, INC.,

Defendant,
Counterclaimant.

Case No. 4:20-CV-05640-YGR

DECLARATION OF CYNTHIA WILLIAMS
IN RESPONSE TO EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION TO SEAL
SUPPORTING EXHIBITS TO J. WESLEY
EARNHARDT'S DECLARATION

I, Cynthia Williams, declare as follows:

1. I am currently the VP Ecosystem Commercial, Gaming at Microsoft Corporation ("Microsoft"). The facts stated in this declaration are based on my own personal knowledge and, if called as a witness, I could and would testify to those facts.

2. In my current role at Microsoft, I am responsible for commercial partnerships that bring gaming content to Xbox. I have been employed with Microsoft since August 2018. Based on my work experience, I am familiar with Microsoft's business strategies, sales data, and licensing practices as it relates to Xbox. Microsoft keeps such information confidential to protect itself and its partners from potential harm.

3. I understand that Epic Games, Inc. ("Epic") submitted excerpts of the deposition of Lori Wright ("Lori Wright Deposition Excerpts" or "Excerpts") that contain Microsoft confidential information as an exhibit in support of a motion they filed in the above-captioned legal case. I also understand that Microsoft is concurrently filing a declaration in response to Epic's motion, and I make this declaration in support of Microsoft's declaration. I further understand that Epic filed a sealed copy of the Excerpts as part of its submission. I have reviewed the Excerpts and explain below why the portions of the sealed Excerpts that are redacted in

1 Exhibit A attached hereto contain sensitive and highly confidential information that would cause
2 serious harm to Microsoft if publicly released.

3 4. The sealed portion of the Lori Wright Deposition Excerpts at 139:21 (following
4 the word “off”) filed under seal is confidential to Microsoft and would result in harm if publicly
5 disclosed. The excerpt contains highly sensitive information that reflects Xbox’s pricing strategy.
6 If the information were disclosed, Microsoft would be at a disadvantage in negotiations with
7 developers. Microsoft treats the information sensitively, and only discloses it to a select group of
8 individuals on a need-to-know basis.

9 5. The sealed portions of the Lori Wright Deposition Excerpts at 199:6-12 and
10 199:24, 200:1 (following the words “platform, and”) and 200:2-25 filed under seal are
11 confidential to Microsoft and would result in harm if publicly disclosed. The excerpts contain
12 highly sensitive information subject to a non-disclosure agreement with a third party. Such
13 information is highly sensitive and commercially valuable to Microsoft’s competitors, as it
14 reflects Xbox’s future business strategies and negotiations with a third party. The information
15 reflects Microsoft’s strategy for content competition and product differentiation. Moreover, if the
16 information were disclosed, it would provide valuable strategic information to competitors that
17 could be used to undercut Microsoft’s position in the gaming industry. Microsoft treats the
18 information sensitively, and only discloses it to a select group of individuals on a need-to-know
19 basis as evidenced by the excerpts at 199:11-12 and 200:6-7.

20
21 I declare under the penalty of perjury of the laws of the United States of America that the
22 foregoing is true and correct.

23 Executed this 14th day of May 2021 in Seattle, Washington.

24 /s/ Cynthia Williams
25 CYNTHIA WILLIAMS
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ATTESTATION

I, David P. Chiappetta, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Cynthia Williams has concurred in the aforementioned filing.

/s/ David P. Chiappetta
David P. Chiappetta